



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 210323-0063; RTID 0648-XA803]

Revisions to Framework Adjustment 59 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; adjustment to specifications; correction.

SUMMARY: This final rule distributes sector allocation carried over from fishing year 2019 into fishing year 2020 and corrects minor errors published in the final rule approving and implementing Framework Adjustment 59 to the Northeast Multispecies Fishery Management Plan. This action is necessary to correct errors published in the final rule and to allocate carryover quota to sectors. The carryover adjustments are routine and formulaic, and industry expects them each year.

DATES: Effective [*Insert date of filing for public inspection at the Office of the Federal Register*], through April 30, 2021.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, (978) 281-9232.

SUPPLEMENTARY INFORMATION: On July 30, 2020, we published a final rule approving Framework Adjustment 59 to the Northeast Multispecies Fishery Management Plan (FMP) (85 FR 45794; July 30, 2020), which set 2020-2022 annual catch limits (ACL) for four groundfish stocks, and 2020 ACLs for three shared U.S./Canada stocks. That action became effective on July 28, 2020. This rule corrects minor errors published

in the Framework Adjustment 59 final rule and distributes unused sector quota carried over from fishing year 2019.

Corrections to Framework Adjustment 59

Tables 12 through 14 published in the Framework Adjustment 59 final rule announced the Percent Sector Contribution (PSC) and initial Annual Catch Entitlements (ACE) allocated to individual sectors based on the approved catch limits for fishing year 2020. These tables erroneously labeled the values for the Maine Permit Bank (MPB) as if they were the values for the Mooncusser sector, and vice versa. These sectors have had their correct allocations for the duration of fishing year 2020; the typographical error in Framework 59 and this rule correcting it have no effect on the operations of these sectors in any way. The corrected information appears in tables 1 through 3 below.

Table 1 -- Corrected Fishing Year 2020 Percent Sector Contribution and Annual Catch Entitlement for the Maine Permit Bank and Mooncusser sectors, Tables 12 through 14 in Framework Adjustment 59

Sector Name	Maine Permit Bank			Mooncusser		
MRI Count	11			40		
	Percent Sector Contribution	ACE (in 1,000 lb)	ACE (in metric tons)	Percent Sector Contribution	ACE (in 1,000 lb)	ACE (in metric tons)
GB Cod	0.13361103	1	0	11.87404994	49	22
GB Cod East	N/A	3	1	N/A	231	105
GOM Cod	1.15503867	7	3	3.36592802	20	9
GB Haddock	0.04432773	16	7	3.72602983	1331	604
GB Haddock East	N/A	103	47	N/A	8680	3937
GOM Haddock	1.12455699	299	136	3.03406286	807	366
GB Yellowtail Flounder	0.01377701	0	0	0.38302570	1	0
SNE/MA Yellowtail Flounder	0.03180705	0	0	0.32527727	0	0

CC/GOM Yellowtail Flounder	0.31794656	5	2	2.58549375	39	18
Plaice	1.16407583	75	34	0.76474219	50	22
Witch Flounder	0.72688452	21	10	1.71821481	50	23
GB Winter Flounder	0.00021715	0	0	0.89399263	10	5
GOM Winter Flounder	0.42662327	3	1	2.48392191	16	7
SNE/MA Winter Flounder	0.01789120	0	0	2.26957436	27	12
Redfish	0.82190532	204	92	2.65202110	657	298
White Hake	1.65422882	74	33	5.80626985	258	117
Pollock	1.69505501	896	407	5.44388052	2879	1306

Sector Carryover Allocations from Fishing Year 2019

Carryover regulations at 50 CFR 648.87(b)(1)(i)(C) allow each groundfish sector to carry over an amount of unused ACE equal to 10 percent of the sector's original ACE for each stock (except for Georges Bank (GB) yellowtail flounder) that is unused at the end of the fishing year into the following fishing year. However, we are authorized to adjust ACE carryover to ensure that the total unused ACE combined with the overall sub-ACL does not exceed the Acceptable Biological Catch (ABC) for the fishing year in which the carryover may be harvested. We have completed 2019 fishing year data reconciliation with sectors and determined final 2019 fishing year sector catch and the amount of allocation that sectors may carry over from the 2019 to the 2020 fishing year. A sector may carry over up to 10 percent of unused ACE for each stock, with a few exceptions. The amount of unused ACE may have been reduced so as not to exceed the ABC. Accordingly, unused ACE from fishing year 2019 available to carry over to 2020 was reduced for the following stocks: GB cod, Gulf of Maine (GOM) cod, Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; Cape Cod/GOM yellowtail flounder; GB winter flounder; GOM winter flounder; SNE/MA winter flounder; redfish;

white hake; and pollock. For GB haddock, GOM haddock, and American plaice, NMFS published an emergency action on December 31, 2020 (85 FR 86849) which authorized us to increase the maximum amount of carryover for those stocks above 10 percent of unused ACE from fishing year 2019 to an amount not to exceed the ABC. Complete details on carryover reduction percentages can be found at:

https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting. Table 2 includes the maximum amount of allocation that sectors may carry over from the 2019 to the 2020 fishing year.

Table 3 includes the *de minimis* amount of carryover for each sector for the 2020 fishing year. If the overall ACL for any allocated stock is exceeded for the 2020 fishing year, the allowed carryover harvested by a sector, minus the pounds in the sector's *de minimis* amount, will be counted against its allocation to determine whether an overage subject to an accountability measure occurred. Tables 4 and 5 list the final ACE available to sectors for the 2020 fishing year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

Table 2 -- Finalized Carryover ACE from Fishing Year 2019 to Fishing Year 2020 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	21,392	564	0	364,306	5,342	0	19	1,824	2,455	2,360	26	4,458	968	8,625	3,344	109,318
MCCS	0	3,042	8,535	0	464,092	223,807	0	41	2,873	45,072	10,658	371	1,224	1,325	114,195	38,776	360,370
MOON	0	15,981	2,499	0	604,041	76,421	0	4	2,018	845	302	3	853	1,079	35,623	10,926	155,048
NEFS 2	0	8,568	20,306	0	1,584,482	588,014	0	51	21,476	41,604	20,772	1,183	8,878	3,078	205,885	27,807	427,142
NEFS 4	0	5,415	1,963	0	789,938	221,921	0	62	5,162	34,484	2,300	254	2,461	625	87,639	0	187,448
NEFS 5	0	626	0	0	120,595	90	0	552	172	1,585	969	160	4	8,670	191	276	1,214
NEFS 6	0	3,979	2,290	0	495,610	106,304	0	127	3,053	16,112	7,276	561	1,594	1,256	89,884	2,616	104,324
NEFS 7	0	15,528	2,238	0	1,559,771	186,444	0	217	8,260	34,341	17,240	11,026	1,004	10,562	119,572	18,629	179,699
NEFS 8	0	10,144	818	0	1,090,391	17,025	0	243	4,821	10,855	5,385	7,978	1,627	7,449	11,418	3,059	33,412
NEFS 10	0	686	1,731	0	26,133	32,118	0	15	3,461	3,923	3,832	3	3,098	432	4,421	1,918	21,785
NEFS 11	0	521	9,159	0	5,154	72,274	0	0	2,126	6,229	2,650	1	749	15	25,669	13,192	254,257
NEFS 12	0	821	2,127	0	13,862	25,529	0	0	6,604	1,843	1,069	0	2,647	156	2,995	824	22,137
NEFS 13	0	15,224	411	0	3,013,398	23,750	0	633	5,141	31,025	16,341	6,366	672	10,965	56,940	6,267	74,996
SHS1	0	2,951	2,316	0	291,186	91,349	0	3	2,825	16,045	6,263	2,082	1,560	578	38,123	12,405	91,342
SHS2	0	1,098	3,577	0	143,751	79,212	0	85	2,268	4,632	4,204	235	1,068	1,426	45,044	7,385	167,674
SHS3	0	19,678	5,392	0	3,979,390	710,758	0	144	7,272	90,666	41,010	5,015	1,165	13,137	456,699	86,256	594,264
Total	0	125,654	63,926	0	14,546,100	2,460,358	0	2,196	79,356	341,716	142,631	35,264	33,062	61,721	1,302,923	233,680	2,784,430

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Mooncusser Sector (MOON), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS)

Table 3 -- *De Minimis* Carryover ACE from Fishing Year 2019 to Fishing Year 2020 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	2,963	45	0	51,539	553	0	2	325	336	336	8	802	142	1,408	470	17,905
MCCS	0	551	723	0	84,316	23,910	0	5	558	7,953	2,801	116	236	219	21,253	5,884	66,756
MOON	0	2,808	204	0	100,105	8,065	0	1	392	495	302	3	157	270	6,567	2,585	28,791
NEFS 2	0	1,539	1,630	0	287,136	59,739	0	6	3,808	7,209	4,214	371	1,554	501	38,251	4,170	78,443
NEFS 4	0	1,751	676	0	156,293	23,591	0	8	969	6,162	2,300	80	469	118	16,523	0	36,309
NEFS 5	0	114	0	0	21,911	10	0	68	31	280	162	50	1	1,430	36	42	225
NEFS 6	0	746	191	0	96,353	11,713	0	17	690	2,968	1,746	198	322	226	16,867	2,014	19,402
NEFS 7	0	684	51	0	63,054	4,823	0	7	192	1,949	608	912	18	346	6,365	945	9,034
NEFS 8	0	1,972	74	0	208,040	1,934	0	24	995	2,112	1,062	2,751	311	1,148	2,263	476	6,367
NEFS 10	0	124	150	0	4,748	3,408	0	2	649	700	591	1	575	71	829	292	4,037
NEFS 11	0	94	750	0	937	7,628	0	0	383	1,100	478	0	135	3	4,812	2,004	47,098
NEFS 12	0	149	174	0	2,519	2,694	0	0	1,189	326	164	0	476	26	561	125	4,101
NEFS 13	0	2,796	47	0	550,218	2,576	0	79	988	5,516	2,666	1,999	135	1,858	10,859	992	13,991
SHS1	0	537	180	0	60,937	10,163	0	0	330	3,472	1,117	649	208	89	7,407	1,973	14,223
SHS2	0	579	294	0	33,319	8,238	0	10	631	2,194	856	235	273	410	7,692	2,648	33,055
SHS3	0	5,518	547	0	909,913	87,017	0	45	2,290	19,494	8,036	3,401	295	3,619	100,599	14,907	134,359
Total	0	22,925	5,736	0	2,631,338	256,062	0	274	14,420	62,266	27,439	10,774	5,967	10,476	242,292	39,527	514,096

Table 4 -- Total ACE Available to Sectors in Fishing Year 2020 including Final Carryover (mt)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	24	120	2	311	2,192	27	1	0	16	16	16	0	38	7	68	23	862
MCCS	4	22	37	508	3,527	1,186	2	0	27	381	132	5	11	11	1,016	284	3,191
MOON	22	112	10	604	4,211	400	0	0	19	23	23	5	8	13	314	122	1,376
MPB	0	1	3	7	47	136	0	0	2	34	10	0	1	0	92	33	407
NEFS 2	12	61	83	1,731	12,012	2,976	2	0	182	346	201	17	75	24	1,828	202	3,752
NEFS 4	14	68	32	942	6,505	1,171	2	0	46	295	117	4	22	6	789	167	1,732
NEFS 5	1	5	0	132	916	0	1	3	1	13	8	2	0	69	2	2	11
NEFS 6	6	30	10	581	4,014	580	3	1	33	142	82	9	15	11	806	93	927
NEFS 7	5	33	3	380	3,187	303	7	0	12	104	35	46	1	20	343	51	491
NEFS 8	16	78	4	1,254	8,677	95	16	1	47	101	51	128	15	55	108	23	304
NEFS 10	1	5	8	29	199	169	0	0	31	34	29	0	28	3	40	14	193
NEFS 11	1	4	38	6	39	379	0	0	18	53	23	0	6	0	230	97	2,252
NEFS 12	1	6	9	15	105	134	0	0	57	16	8	0	23	1	27	6	196
NEFS 13	22	111	2	3,318	23,007	128	33	4	47	264	128	94	6	89	518	48	669
NHPB	0	0	3	0	0	4	0	0	0	1	0	0	0	0	2	2	27
SHS 1	4	21	9	367	2,529	502	1	0	16	165	54	30	10	4	353	95	687
SHS 2	5	22	15	201	1,376	410	3	1	30	102	41	19	13	19	369	123	1,575
SHS 3	44	215	27	5,487	37,591	4,269	21	2	107	925	383	157	14	170	4,770	715	6,364
Total	183	915	296	15,874	110,134	12,870	92	13	692	3,014	1,339	518	287	503	11,676	2,101	25,015

Table 5 -- Total ACE Available to Sectors in Fishing Year 2020 with including Final Carryover (1,000 lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	52	266	5	685	4,833	61	2	0	34	36	36	1	85	15	149	50	1,900
MCCS	10	48	81	1,121	7,775	2,615	4	1	59	840	291	12	25	23	2,239	627	7,036
MOON	49	247	23	1,331	9,284	883	1	0	41	50	50	10	17	28	692	269	3,034
MPB	1	3	7	16	103	299	0	0	5	75	21	0	3	0	204	74	896
NEFS 2	27	135	183	3,817	26,481	6,562	4	1	402	763	442	38	164	53	4,031	445	8,271
NEFS 4	31	150	70	2,078	14,342	2,581	5	1	102	651	258	8	49	12	1,740	368	3,818
NEFS 5	2	10	0	291	2,020	1	3	7	3	30	17	5	0	152	4	4	24
NEFS 6	13	65	21	1,281	8,850	1,278	7	2	72	313	182	20	34	24	1,777	204	2,044
NEFS 7	12	72	7	838	7,027	669	14	1	27	229	78	102	3	45	756	113	1,083
NEFS 8	35	173	8	2,766	19,129	210	36	3	104	222	112	283	33	122	238	51	670
NEFS 10	2	11	17	63	438	373	0	0	68	74	63	0	61	8	87	31	426
NEFS 11	2	8	84	12	86	835	0	0	40	116	50	0	14	0	507	214	4,964
NEFS 12	3	13	20	33	232	295	0	0	125	34	17	0	50	3	59	13	432
NEFS 13	49	246	5	7,314	50,721	281	73	9	104	583	283	206	14	197	1,143	105	1,474
NHPB	0	0	7	0	0	9	0	0	0	2	0	0	0	0	5	4	59
SHS 1	9	47	20	810	5,575	1,108	2	0	36	363	118	67	22	9	779	210	1,514
SHS 2	10	49	33	443	3,033	903	7	1	65	224	90	42	28	42	814	272	3,473
SHS 3	97	474	60	12,096	82,875	9,412	46	5	236	2,040	845	345	31	375	10,517	1,577	14,030
Total	403	2,018	652	34,996	242,803	28,374	203	30	1,526	6,646	2,953	1,141	633	1,109	25,740	4,632	55,149

Classification

The NMFS Assistant Administrator has determined that this rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

This rule is exempt from the procedures of Executive Order 12866 because this action contains no implementing regulations.

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public notice and opportunity for public comment on the minor corrections and allocation adjustments because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) and (3), so that this final rule may become effective in a timely manner and the fishery may maximize the economic benefits of the adjusted allocations to the fishery.

Notice and comment and a 30-day delay in effectiveness would be impracticable, unnecessary, and contrary to the public interest. The distribution of unused quota carried over from the previous fishing year is an annual adjustment action that is expected by industry. These adjustments increase available catch. They are routine, formulaic, and authorized by regulation. Delaying these adjustments would result in a delay in the distribution of unused carryover to sectors, and could negate or reduce the intended economic benefits and increased operational flexibility of the rule. We only recently finalized carryover for 2020 based on data available in the late fall and an emergency action which published on December 31, 2020 (85 FR 86849). The adjustments in this rule are necessary to correct minor errors made in the Framework Adjustment 59 final rule. Correcting these errors is not subject to our discretion, so there would be no benefit to allowing time for notice and comment. Immediate implementation corrects information published in Framework Adjustment 59 and provides industry with the most

accurate information. Delaying these adjustments could cause confusion to industry.

The need for these corrections was discovered only recently, so quicker action on our part was not possible.

Also, because advanced notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 23, 2021.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

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